



November 8, 2013

Item No. 5

**RESOLUTION NO. 2013-CHA-98**

**A RESOLUTION TO AMEND DELEGATION OF CERTAIN PERSONNEL RELATED  
AUTHORITY TO THE CHIEF EXECUTIVE OFFICER**

**WHEREAS**, the Chicago Housing Authority (the “**Authority**”) has been created by, and exists under, the Housing Authorities Act, 310 ILCS 10/1 *et seq.*, as amended (the “**Act**

**WHEREAS**, pursuant to the Act, the management and control of the Authority is vested in ten commissioners (the “**Board**”); and

**WHEREAS**, Section 6 of the Act, 310 ILCS 10/6, provides, *inter alia*, as follows:

The commissioners shall, from time to time, select and appoint a chief executive officer and officers and employees, including engineering, architectural and legal assistants, as they may require for the performance of their duties, and may prescribe the duties and compensation of each officer and employee or expressly delegate that authority to the chief executive officer; and

**WHEREAS**, Section 8 of the Act provides that the Authority shall have “all the powers necessary or convenient to carry out and effectuate the purposes and provisions” of the Act, 310 ILCS 10/8; and

**WHEREAS**, Section 8.5 of the Act provides that the Authority has the power to “make and from time to time amend and repeal by-laws, rules and regulations” not inconsistent with the Act, in order “to carry into effect the powers and purposes of the Authority”; and

**WHEREAS**, Section 1 of the By-Laws of the Authority provides, *inter alia*, that:

The commissioners may by resolution make any delegation of discretionary powers or ministerial duties, to be exercised in accordance with the standards, limitations, and controls which shall be set up in such resolution and which shall not be inconsistent with the “Act in Relation to Housing Authorities” to any committee or committees of one or more chosen from among their number. Any action taken in the name of the Authority by a person or persons to whom such powers or duties have been delegated shall be the action of the Authority and binding upon it, provided such action is pursuant to and within the scope of the delegation resolution, and consistent with “An Act in Relation to Housing Authorities.” and

**WHEREAS**, on June 13, 2012 the Board by Resolution 2012-CHA-49 established a Personnel Committee and delegated to such committee the authority to 1) oversee the activities of the Chief Executive Officer and authorized staff regarding the personnel matters delegated to the Chief Executive Officer pursuant to that resolution, and 2) issue recommendations approving or disapproving the reports issued by the Chief Executive Officer pursuant to the terms of the resolution, all subject to final action of the Board as described herein; and

**WHEREAS**, by the same resolution, the Board delegated to the Chief Executive Officer of the Authority, as permitted by the Housing Authorities Act, the authority to 1) make findings and recommendations regarding the selection, appointment, and removal of officers and employees and 2) prescribe the duties and compensation of officers and employees, subject to the conditions set forth herein; and

**WHEREAS**, the Board now finds and determines that it is in the best interests of the Authority to amend Resolution 2012-CHA-49 to allow for greater operational efficiency with respect to the Chief Executive officer in 1) selecting, appointing, and or removing officers and employees; and 2) prescribing the duties and compensation of officers and employees subject to the conditions set forth herein;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Chicago Housing Authority, Cook County, Illinois, as follows:

**Section 1.** Incorporation of Recitals. The recitals set forth above are hereby found to be true and correct and are incorporated in their entirety as if set forth in this Section 1.

**Section 2.** Powers Delegated to Chief Executive Officer With Respect to Officers and Employees at Grade Levels of 72 and Above. The Authority hereby authorizes and delegates to the Chief Executive Officer the power to: 1) make findings and recommendations regarding the selection, appointment, and removal of officers and employees at levels of Grade 72 and above and 2) prescribe the duties and compensation of each such officer and employee of the Authority. The Chief Executive Officer shall exercise such authority within the constraints of the approved budget for the fiscal year in which such delegated action is taken. The responsibilities of the Chief Executive Officer as delegated herein shall be implemented in a manner that promotes the efficient disposition of all matters within the jurisdiction of the Authority and is consistent with the requirements of applicable federal, state, and local laws, rules, and regulations.

**Section 3.** Chief Executive Officer's Report of Findings and Recommendations regarding Selection, Appointment, and Removal of Officers and Employees With Respect to Employers at Levels of Grade 72 and Above.

- a) The Chief Executive Officer shall submit to the Committee for its review and approval in advance of regular Board meetings a report setting forth findings and recommendations concerning the selection, appointment and removal of officers

and employees at levels of Grade 72 and above (“**Report of Findings and Recommendations**”). The Report of Findings and Recommendations shall include, without limitation, a statement of the purpose of and necessity for the recommended action(s).

- b) In the event the Chief Executive Officer determines that an emergency exists and that the public health, safety, welfare, or other exigent circumstances require the immediate selection, appointment or removal of certain officers and employees, the Chief Executive Officer is hereby authorized to take such action as he deems appropriate, provided that the Chief Executive Officer: 1) furnish notice to the members of the Committee and the Board within 48 hours of taking such action, which notice shall describe the action and the circumstances warranting such action, and 2) include a description of such action in the monthly Report of Findings and Recommendations.
- c) In the event that the Chief Executive Officer determines that, in the absence of conditions described in Section 3(b), good business practices or other appropriate circumstances exist that support the selection, appointment, or removal of certain officers and employees in advance of the regular Board meetings, the Chief Executive Officer is authorized, with the prior approval of at least two of the three Committee members, to take such actions as approved by said Committee members. A description of such action shall be included in the Report of Findings and Recommendations.

**Section 4.** Powers Delegated to Chief Executive Officer With Respect to Officers and Employees at Levels Below Grade 72. The Authority hereby authorizes and delegates to the Chief Executive Officer the power to 1) select, appoint, and remove officers and employees at the grade level below Grade 72 in advance of Personnel Committee and Board meetings and request ratification of such actions at regular Personnel Committee and Board meetings; and 2) prescribe the duties and compensation of each such officer and employee of the Authority. The Chief Executive Officer shall exercise such authority within the constraints of the approved budget for the fiscal year in which such delegated action is taken. The responsibilities of the Chief Executive Officer as delegated herein shall be implemented in a manner that promotes the efficient disposition of all matters within the jurisdiction of the Authority and is consistent with the requirements of applicable federal, state, and local laws, rules, and regulations.

**Section 5.** Chief Executive Officer’s Request for Ratification of Selection, Appointment, and Removal of Officers and Employees at Levels Below Grade 72. The Chief Executive Officer shall submit to the Committee for its review and approval in advance of regular Board meetings a Report of Requested Ratification for selection, appointment and removal of officers and employees below the level of Grade 72. The Report of Requested Ratification shall set forth the purpose and necessity of such actions, as well as the process by which officers and employees were selected, appointed or removed. Such report shall describe the qualifications of any officer or

employee selected or appointed and shall certify that such officer or employee was properly vetted and evaluated prior to selection or appointment.

## **Section 6.**

Committee Review and Recommendations and Board Approval. The committee shall review the Report of Findings and Recommendations and Report of Requested Ratification submitted to the Committee by the Chief Executive Officer. The Committee shall make its recommendations to the Board at the next regularly scheduled Board meeting and submit a resolution for the approval or disapproval of all or any portion of the Report of Findings and Recommendations and Report of Requested Ratification. If the Committee disapproves all or any portion of the Report of Findings and Recommendations and/or Report of Requested Ratification, the Committee's recommendation to the Board shall inform the Board of the reasons for its disapproval. The Report of Findings and Recommendations and Report of Requested Ratification, and the resolution of the Committee are collectively referred to as the "**Committee Resolution**".

The Committee Resolution shall be included on the agenda of the next regularly scheduled meeting of the Board (or on the agenda of a special meeting called for such purpose by the Chair). The Board shall at such meeting take action approving or disapproving all or a portion of the Committee Resolution.

## **Section 7.**

Delegation by CEO. The Chief Executive Officer may, as he or she deems appropriate, delegate to appropriate staff the investigatory, research or information-gathering requirements of the Chief Executive Officer's delegated responsibilities as described herein. Any person carrying out these delegated activities shall have not have the authority to make any decisions regarding the selection, appointment, removal, duties or compensation of any officers or employees of the Authority.

## **Section 8.**

Personnel Action Reports. The Chief Executive Officer shall submit to the Committee for its review and approval in advance of regular Board meetings a report summarizing the personnel actions taken during the preceding month ("**Personnel Action Report**" or "**PAR**"). The PAR shall be in substantially the form attached hereto and shall include but need not be limited to the following information: number of active employees at the beginning and end of each month; inactive employees; full-time employees; part-time employees; new hires, recalls and re-hires; deceased employees; laid off employees, resignations; retirements; terminations; corrections; laterals; demotions; promotions/position change; merit pay/equity/negotiated wages; reclassifications and reorganizations; leave of absence; return from leave of absence; return to previous position; salary/equity adjustments; status changes; temporary acting employee; transfers; total separations; and payouts or contracts including collective bargaining.

## **Section 9.**

Revocation of authority. The Board may revoke in whole or in part any specific or implied delegation to the Chief Executive Officer.

**Section 10.** Severability. In the event that any provision, clause, sentence, section or other part of this Resolution is held to be invalid, unconstitutional, void or unenforceable, the remaining provisions of this Resolution shall remain in full force and effect, it being the intent of the Board in adopting this Resolution that no portion hereof or provision contained herein shall become inoperative or fail by reason of unconstitutionality or invalidity of any other portion or provision.

**Section 11.** Effective Date. This Resolution shall be in full force and effect after its passage as provided by law, and all resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.



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